

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	:	10/666,612	Confirmation No. 1435
Applicant	:	Carlos Rivera Cintron	
Filed	:	September 18, 2003	
TC/A.U.	:	3689	
Examiner	:	LONG, FONYA M.	
Docket No.	:	7463-26	
Title	:	SYSTEM AND METHOD FOR MULTI-MEDIA RECORD, DISTRIBUTION AND PLAYBACK USING WIRELESS COMMUNICATION	

PRE-APPEAL CONFERENCE REQUEST BRIEF

Mail Stop Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated October 31, 2008, Applicant respectfully files herewith a Notice of Appeal and requests review of the present application before filing an appeal brief.

Real Party in Interest:

This application is assigned to Motorola, Inc., a Delaware Corporation with offices in Schaumburg, Illinois. The assignment has been recorded by the USPTO on September 18, 2003, at Reel No. 014547, Frame No. 0421.

Related Appeals and Interferences:

The issues presented in the present application are not related to any pending appeal.

Status of Claims:

Claims 1-11 are pending and Claims 1-11 are being appealed herein.

Claims 1-8 were rejected under 35 U.S.C. 103(a), as being unpatentable over U.S. Patent No. 6,825,875 to Strub *et al.* (hereinafter Strub) in view of U.S. Patent No. 7,336,266 to Hayward *et al.* (hereinafter Hayward).

Claims 9-11 were rejected under 35 U.S.C. 103(a), as being unpatentable over Strub in view of Hayward, and further in view of U.S. Patent No. 6,549,915 to Abbott, III *et al.* (hereinafter Abbott).

Summary of the Claimed Subject Matter:

It may be helpful to reiterate certain aspects of Applicant's invention prior to addressing the references cited in the Office Action. One embodiment of the invention, as typified by independent Claim 1, describes a system of recording and distributing a multimedia presentation of an event experienced by a participant to a portable communication device comprising at least one digital camera for recording the event experienced by the participant in a video presentation, a haptic information generator for generating signals simulating the motion experienced at the event, a processor for combining the haptic information with the video presentation forming the multimedia presentation, and a wireless transmitter for transmitting the multimedia presentation to the portable communication device having a vibration device within the portable communication device that is selectively activated in accordance with the haptic information.

Grounds of Rejection to be Reviewed on Appeal

Whether or not Claims 1-11 are unpatentable over Strub in view of Hayward and in further view of Abbott.

Clear Errors for Review

Applicants respectfully assert that Strub discusses a hybrid recording system that includes a portable video recorder and auxiliary device that enables “low attention recording” that requires little interaction from the person recording the events. The auxiliary device in Strub does not record or provide for haptics. Instead, the auxiliary device can be a position sensor such as a GPS receiver or tilt sensor or heart rate monitoring device. See col. 5, lines 49-67. Strub only refers to producing visual and/or aural phenomenon (see col. 7, lines 1-10) and not haptic or tactile responses as claimed. Furthermore, Strub fails to discuss, suggest, mention or contemplate the presentation of the multimedia presentation on a mobile communication device, let alone a mobile communication device having a vibrator that

selectively activates in accordance with the haptic information captured during the recording of an event.

Similarly, Hayward fails to discuss, suggest, mention or contemplate the presentation of the multimedia presentation on a mobile communication device, let alone a mobile communication device having a vibrator that selectively activates in accordance with the haptic information captured during the recording of an event. Instead, Hayward discusses an actuator that provides in a mouse pad that is a fixed item and not anything remotely resembling a portable communication device. In this regard, the fixed mouse pad of Hayward teaches away from providing haptic output in a portable or mobile communication device. One of ordinary skill in the art would fail to conceive or contemplate the claimed embodiments in view of the teachings of Strub and Hayward.

Hayward uses haptic effects to complement sound effects in video games or other virtual reality environments and does not appear to record haptics in conjunction with events as actually experienced by a participant in an event.

Strub refers to a family trip to an amusement park as an example of a group event where an experience can be shared from multiple perspectives from different members of the group. Claim 6 is not directed necessarily to a group perspective and is just enumerating different types of events that can be experienced using Applicant's unique method and system. One of the events can be an amusement ride such as a roller coaster for example.

In addition to the deficiencies already noted above with respect to Strub and Hayward, Abbot likewise fails to discuss, suggest, mention or contemplate the presentation of the multimedia presentation on a mobile communication device, let alone a mobile communication device having a vibrator that selectively activates in accordance with the haptic information captured during the recording of an event. Abbot merely discusses a system for computer based storing of information about a current state to augment human memories during later recall. The current state information includes video, audio and textual information. One of ordinary skill in the art would fail to find the amended claims obvious in view of Strub, Hayward or Abbot either alone or in any combination.

In view of the forgoing, the Honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

The Commissioner is hereby authorized to charge any fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-0951.

Respectfully submitted,

Date: February 2, 2009

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